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| 08/382,150    | 01/31/95    | VRZALIK               | J                   |

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35M1/0126

|          |              |
|----------|--------------|
| PHAM, T  | EXAMINER     |
|          |              |
| ART UNIT | PAPER NUMBER |
| 3508     |              |

DATE MAILED:

01/26/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

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### **Part III DETAILED ACTION**

#### ***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to because they contain what appears to be part numbers (numbers inside circles). The drawings are replete with part numbers too numerous to mention specifically. The drawings should be revised carefully. Correction is required.
3. The drawings are objected to because in Figure 2, --47-- should be inserted for "45" and in Figure 3, the top left caster is missing its reference numeral, --248--. Correction is required.
4. The drawings are objected to because they do not include certain reference signs mentioned in the description. 37 CFR § 1.84(f) states, "Reference signs not mentioned in the description shall not appear in the drawing and vice versa." The following reference signs are not included in the drawings: "37", "249", and "250". Correction is required.

#### ***Specification***

5. The specification is objected to because it does not include certain reference signs shown in the drawings. 37 CFR § 1.84(f) states, "Reference signs not mentioned in the

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description shall not appear in the drawing and vice versa." The following reference signs are not mentioned in the description: Figure 2, "49" and "50"; Figure 5, "94"; Figure 6, "111", "126 and "127"; and Figure 8, "151". Correction is required.

6. The disclosure is objected to because of the following informalities:

- a. Page 6, line 7, --30-- should be inserted for "31";
- b. Page 6, line 18, --and-- should be inserted for "rand";
- c. Page 7, line 6, the dash after "44" should be deleted;
- d. "33" is used to reference the "cover" (page 12, line 7) and the "foot cushion" (page 14, line 20);
- e. The "foot cushion" is referenced as "33" (page 6, line 7 and Figure 1) and "35" (page 13, line 6);
- f. Page 16, "149" is used to designate both the "mounting plate" (line 10) and "the bushing" (line 16); and
- g. Page 18, "156" is used to designate both the "micro-controller" (line 1) and one of the "membrane switches" (line 2);

Appropriate correction is required.

7. The Abstract of the Disclosure is objected to because the first line is grammatically incorrect; it is not a complete sentence. In line 1, --has-- should be inserted for "with".

Correction is required.

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***Claim Rejections - 35 USC § 112***

8. Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation "Trendelenburg and reverse Trendelenburg capabilities" renders the claim indefinite. It is unclear what these capabilities are; the specification has not disclosed or defined what these capabilities are.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,847,929 to Pupovic, U.S. Patent No. 4,858,260 to Failor et al. <sup>or</sup> ~~and~~ U.S. Patent No. 4,862,529 to Peck.

SM  
12/15/95

Pupovic '929 discloses a patient transport apparatus comprising a frame, a patient surface (29), an articulation mechanism (9, 15) for articulating the patient surface from a horizontal, lying position to a seated position, a raise-and-lower mechanism (2, 3) for raising and lowering the entire patient surface relative to the floor engaging portion of the frame, and controls (9, 17) for tilting the patient surface (see Figure 7).

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Failor et al. '260 discloses a patient transport apparatus including a trendelenburg mechanism comprising a frame, a patient surface (12, 14, 16), an articulation mechanism (114), a raise-and-lower mechanism (not shown) positioned within a polymeric casing (30), and controls (102) for tilting the patient surface.

Peck '529 discloses a hospital bed comprising a frame (15), a patient surface (30, 31, 33, 35, 37), an articulation mechanism (90), a raise-and-lower mechanism (19, 20), and controls (22) for tilting the patient surface.

### ***Conclusion***

11. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 4,409,695 to Johnston et al.

U.S. Pat. No. 5,193,633 to Ezenwa

U.S. Pat. No. 5,157,787 to Donnellan et al.

U.S. Pat. No. 5,402,543 to Dietrich et al.

U.S. Pat. No. 5,342,114 to Burke et al.

U.S. Pat. No. 5,438,722 to Jayamanne

U.S. Pat. No. 5,444,883 to Iura

U.S. Pat. No. 5,454,126 to Foster et al.

DE Pat. No. 2,852,323 to Zur

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teri Pham whose telephone number is (703) 305-7421.

Teri Pham  
December 13, 1995

  
STEVEN N. MEYERS  
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GROUP 3500